

Residents' Addendum to the Riverside Neighborhood Study

Resident members of the Riverside Study Committee feel that it is necessary to respond to Harvard University's addendum to the Riverside Neighborhood study because it is factually inaccurate and its tone inappropriate for inclusion in the study. It was quite clear throughout the drafting process that the goal was to create a factually accurate neighborhood study that reflects the Riverside neighborhood's concerns and recommendations. Representatives of the Community Development Department made it quite clear that we were not creating an advocacy document. The university's addendum is an advocacy document, arguing the university's position and is inappropriate for inclusion in the report. Moreover, its inclusion is unfair because the report does not include any responsive arguments from the neighborhood residents. We did not have the opportunity to comment on this addendum although we discussed the content of the other addenda. We do not believe the university's addendum should be included. If it is included, fairness demands that a response be included as well.

First, the university's addendum contains many, at best, debatable and, at worst, false factual assertions. It asserts "Harvard focused on ways that university utilization of its own land could be achieved in a manner that both meets Harvard's...needs and responds to neighborhood interests." It goes on to say that this goal was not embraced by the study committee who focused on preventing all new institutional uses. Contrary to this statement, the Harvard representative on the committee stated explicitly that the university had no intention of modifying its museum proposal in response to community concerns. This public statement, made toward the conclusion of the study committee's deliberations, was consistent with the committee's experience throughout its deliberations: the university's position was that the museum proposal would not, under any circumstances, be modified to make it more compatible with the neighborhood. The university's representative stated unequivocally that the university would not change the proposal to alleviate adverse impacts on the neighborhood.

The Harvard addendum also asserts that the zoning recommendations prevent all new institutional uses on Harvard owned property. This is not true. The zoning explicitly permits institutional uses. Indeed, several sessions of the study committee included discussions of alternative plans for university development of the Banks/Cowperthwaite/Grant area and the Mahoney's and Nstar sites. Moreover, about 37 buildings on the Cambridge campus are two story, five are one story and five are larger buildings with sizeable two story wings. Thus, the proposed height limit does not prevent the university from building on these sites. Given the fact that Harvard paid relatively little for the Mahoney's site and has owned it for a long time, the height restriction does not interfere with its investment backed expectations. Of course, the current structures on the Nstar site can continue as nonconforming prior uses so the height limit will have little adverse impact on the owner.

The university also includes the self-serving statement that it withdrew the museum proposal because of community opposition. Of course, we do not have access to the university's deliberations concerning the museum proposal but it is unlikely to be mere coincidence that the university withdrew the museum proposal after the city of Cambridge refused to grant it an easement under a public street for another project in mid Cambridge. Although it was not clear when the study committee first began its deliberations, the museum proposal required a similar easement under a public street. During the controversy over the mid Cambridge easement, it became clear that the museum easement would be problematic for the university. Since the university refused, as it later acknowledged, to engage in a discussion of any uses besides the museum exactly as originally proposed or dormitories, it cannot claim that it attempted to find institutional uses acceptable to the neighborhood. It is worth pointing out that the university proposed dormitories despite clear descriptions from the neighborhood of problems suffered because of proximity to dorms and widespread opposition to dormitories in residential areas.

The university argues that the zoning proposals "do not reflect the size and character of surrounding structures in the urban riverfront context" and do not provide appropriate transitions. We would argue in response that, indeed, the proposals are much closer, if not exactly the same as, the scale of residential structures in the neighborhood. Our notion of transition differs from that of Harvard. We would not begin by looking at oversized structures that earlier as well as current inadequate zoning allowed and developing "transitions" from those structures. This is the approach that the university takes. Instead, we would begin by looking at the residential scale that exists in the neighborhood and at the Charles River itself and develop transitions appropriate to those residences and the Charles and its banks.

At several points, the addendum argues that institutional uses are not allowed but the simple fact is that they are permitted. Harvard's argument that somehow the zoning proposals have a significant negative impact on affordable housing is, as the city council ordinance committee recognized at its last meeting, disingenuous since the university has had a significant negative impact on the availability and affordability of housing throughout the city. As the committee recognized, although linkage requires a percentage of affordable units, for there to be a significant number of affordable units, the zoning would have to permit extremely large, dense structures that would have an overwhelmingly adverse impact on the neighborhood and on the Charles River that is simply not outweighed by the small number of affordable units produced. Throughout our deliberations, we attempted to balance carefully the need for housing with other land use concerns.

Although the addendum asserts that undergraduates are discouraged from bringing cars to campus, Harvard never did answer the study committee's inquiry as to how many undergraduates do have cars. The addendum asserts that there are only 37 city parking permits issued to students in the River houses. But if one considers the scarcity of parking spaces in the neighborhood surrounding the River houses, 37 cars have a major impact on the parking problem. There are, at most, about 200 parking spaces on the

streets near the River houses. Thirty-seven cars may have little impact citywide but have a significant impact on the neighborhood.

By their very nature, land use controls like zoning limit what landowners can do with their property. The proposed zoning does not amount to spot zoning since it is fully consistent with an overall plan for the neighborhood and the city as a whole and can be supported with solid land use justifications. The proposed zoning changes allow reasonable use of the affected properties, including a reasonable return on the owner's investment. Moreover, the proposed regulations do not go so far as to amount to an unconstitutional taking of any property because they clearly allow for continued productive use consistent with the owner's investment backed expectations. The proposed zoning establishes reasonable use and dimensional controls that serve the overall public welfare of the city of Cambridge and its residents, consistent with the city's overall growth management policies.

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